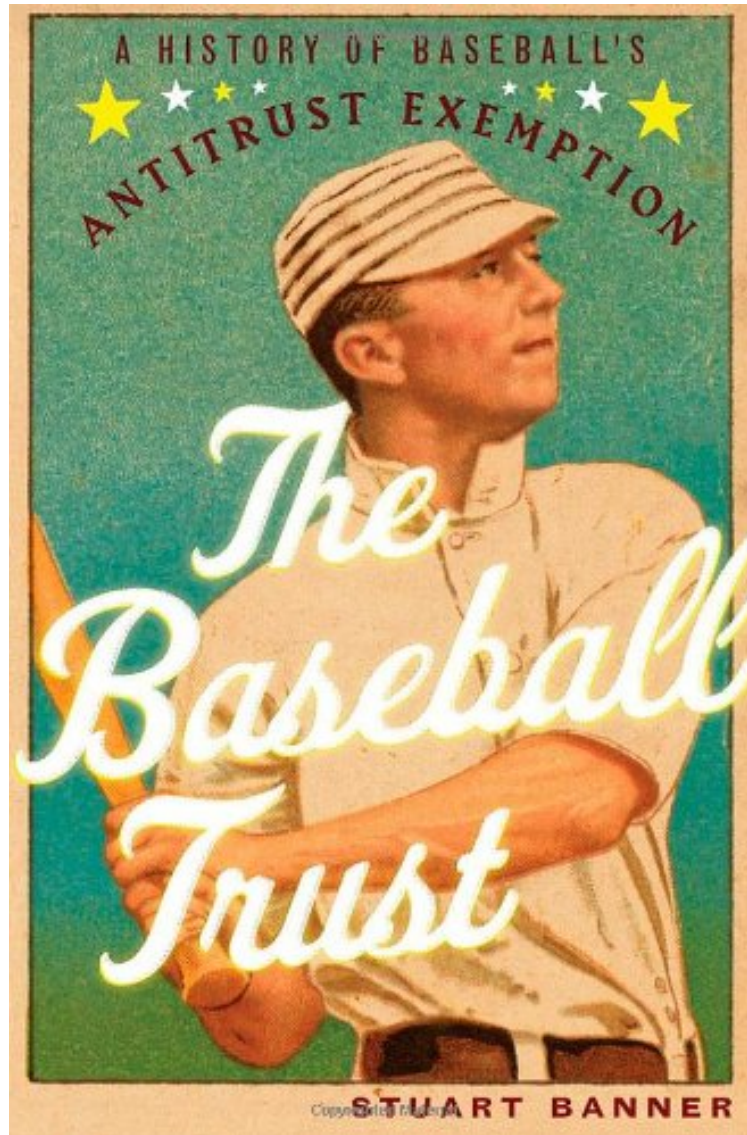


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The Baseball Trust: A History of Baseball's Antitrust Exemption

Stuart Banner

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Stuart Banner : The Baseball Trust: A History of Baseball's Antitrust Exemption before purchasing it in order to gage whether or not it would be worth my time, and all praised The Baseball Trust: A History of Baseball's Antitrust Exemption:

0 of 0 people found the following review helpful. A great book, which likely is more appreciated by antitrust ...By Marc W. SchneiderA great book, which likely is more appreciated by antitrust lawyers, which I am. Banner shows the essential irrationality of baseball's antitrust exemption and how its continuance is more a matter of politics than law.

At the same time, he makes good points about how applying antitrust to baseball could lead in some circumstances to undesirable consequence. Well worth reading for those who wonder how baseball, alone among American sports, is exempt from antitrust laws. The author does a good job of making it readable for no-lawyers. 0 of 0 people found the following review helpful. Great read for baseball and law fans By Dean C. Anason This was a really a well researched book that solved a longtime mystery for me: I knew baseball had an antitrust exemption, but never knew what it did in practice or where it came from. And I think I learned as much or more about the Supreme Court and the legal system as I did about baseball. 0 of 0 people found the following review helpful. This an absolutely terrific book filled with interesting stories and written in accessible ... By CJB This an absolutely terrific book filled with interesting stories and written in accessible and articulate prose. It packs an enormous amount of baseball, legal, and cultural history into a relatively short book.

The impact of antitrust law on sports is in the news all the time, especially when there is labor conflict between players and owners, or when a team wants to move to a new city. And if the majority of Americans have only the vaguest sense of what antitrust law is, most know one thing about it-that baseball is exempt. In *The Baseball Trust*, legal historian Stuart Banner illuminates the series of court rulings that resulted in one of the most curious features of our legal system-baseball's exemption from antitrust law. A serious baseball fan, Banner provides a thoroughly entertaining history of the game as seen through the prism of an extraordinary series of courtroom battles, ranging from 1890 to the present. The book looks at such pivotal cases as the 1922 Supreme Court case which held that federal antitrust laws did not apply to baseball; the 1972 *Flood v. Kuhn* decision that declared that baseball is exempt even from state antitrust laws; and several cases from the 1950s, one involving boxing and the other football, that made clear that the exemption is only for baseball, not for sports in general. Banner reveals that for all the well-documented foibles of major league owners, baseball has consistently received and followed antitrust advice from leading lawyers, shrewd legal advice that eventually won for baseball a protected legal status enjoyed by no other industry in America. As Banner tells this fascinating story, he also provides an important reminder of the path-dependent nature of the American legal system. At each step, judges and legislators made decisions that were perfectly sensible when considered one at a time, but that in total yielded an outcome-baseball's exemption from antitrust law-that makes no sense at all.

"Splendid...[A] valuable corrective to the widely held view that the romance of baseball was the main reason that courts have treated it with special solicitude.... Mr. Banner, who teaches law at the University of California, Los Angeles, is himself a sure-footed historian and a legal writer of exceptional grace and clarity."--Adam Liptak, *New York Times* "Among the most compelling baseball books this season..."--David Ulin, *Los Angeles Times* "Stuart Banner, a law professor and noted legal historian, explores the history that led to baseball's being the only sport exempt from antitrust laws. Through the use of extensive primary materials, Banner leads the reader through the history of the decisions that ultimately led to 'such a weird state of affairs'.... *The Baseball Trust* is a well-researched and entertaining look at how antitrust law has affected the national pastime."--*Library Law Journal* "One of the great puzzles of the history of both baseball and anti-trust law is the 'exemption' granted to the baseball industry from anti-trust law. Nearly everyone agrees that the exemption, which is not available to other professional sports, makes very little sense as a matter of law or economics. Stuart Banner demonstrates that the exemption was not intended to serve the usual reason for avoiding anti-trust laws, but rather to preserve baseball's 'reserve clause,' which bound players indefinitely to their clubs and thereby reduced the players' leverage. By following shrewd advice from lawyers, organized baseball was able to convince both the courts and Congress that replacing the reserve clause with free agency would undermine competitive balance. Even though this turned out not to be the case, baseball's anti-trust exemption remains in place. Banner's book will be the place to start in understanding that curious anomaly."--G. Edward White, author of *Creating the National Pastime* "In this important study, Banner provides extensive treatment of organized baseball's battle with antitrust regulations.... [A] decidedly strong contribution to the literature on organized baseball and the law."--*Library Journal* "This is the best single-volume history of baseball's antitrust exemption. Prof. Banner does an excellent job mining primary sources to show how savvy lawyers and baseball officials laid the groundwork for 'baseball's bizarre monopoly.' Banner brings a lawyer's rigor, a historian's discerning eye, and a baseball fan's ear to this very important work of baseball and American legal history. This is a tale that needed to be told."--Brad Snyder, author of *A Well-Paid Slave: Curt Flood's Fight for Free Agency in Professional Sports* "Through *The Baseball Trust*, Banner provides baseball fans, legal scholars, and historians alike with a tremendous source on this highly complex topic."--*Journal of Sport History* About the Author Stuart Banner is Norman Abrams Professor of Law at the University of California, Los Angeles School of Law. A noted legal historian, he is the author of many books, including most recently *American Property: A History of How, Why, and What We Own*; *Who Owns the Sky? The Struggle to Control Airspace from the Wright Brothers On*; and *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska*.